

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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|---------------------------|---|--------------------------------|
| D&D ASSOCIATES, INC., | : | |
| | : | CIVIL ACTION NO. 03-1026 (MLC) |
| Plaintiff, | : | |
| | : | ORDER & JUDGMENT |
| v. | : | |
| | : | |
| BOARD OF EDUCATION OF | : | |
| NORTH PLAINFIELD, et al., | : | |
| | : | |
| Defendants. | : | |
| | : | |

For the reasons stated in the Court's memorandum opinion,
IT IS on this 30th day of September, 2005, **ORDERED** that the motion by defendant Vitetta Group, Inc. ("Vitetta") to dismiss the amended complaint insofar as asserted against it pursuant to Federal Rule of Civil Procedure ("Rule") 12(b)(6) (dkt. entry no. 70) is **GRANTED IN PART AND DENIED IN PART** as follows:

GRANTED as to Count One, Count Two, Count Six, and Count Seven, and

DENIED as to Count Three, Count Four, Count Nine, Count Ten, Count Eleven, Count Thirteen, Count Fourteen, and Count Fifteen; and

IT IS FURTHER ADJUDGED that Count One, Count Two, Count Six, and Count Seven of the amended complaint are **DISMISSED** as asserted against Vitetta; and

IT IS FURTHER ORDERED that the motion by defendant Bovis Lend Lease, Inc. ("Bovis") to dismiss the amended complaint as asserted against it pursuant to Rule 12(b) (6) (dkt. entry no. 72) is **GRANTED IN PART AND DENIED IN PART** as follows:

GRANTED as to Count One, Count Two, Count Three, Count Four, Count Six, Count Seven, and Count Twelve, and

DENIED as to Count Nine, Count Ten, Count Eleven, and Count Fifteen, and

IT IS FURTHER ADJUDGED that Count One, Count Two, Count Three, Count Four, Count Six, Count Seven, and Count Twelve of the amended complaint are **DISMISSED** as asserted against Bovis.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge